

O'MELVENY & MYERS LLP

RECEIVED
CENTRAL FAX CENTER

JAN 14 2004

OFFICIAL

Irvine Spectrum
114 Pacifica, Suite 100
Irvine, California 92618-3315

TELEPHONE (949) 737-2900
FACSIMILE (949) 737-2300

FAX TRANSMITTAL

DATE & TIME:

Wednesday, January 14, 2004

TOTAL NUMBER OF PAGES:

3

TO:

Examiner Phillip Johnston
Group Art 2881
USPTO

FAX NUMBER:

(703) 872-9306

TELEPHONE NUMBER:

FROM:

Michael S. Davidson

RETURN FAX NUMBER:

(949) 737-2300

TELEPHONE NUMBER:

(949) 737-2926

MESSAGE

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL Denise Doss AT (949) 737-2070, OR OUR FAX DEPARTMENT AT (949) 737-2981.

FILE NO.:

USER NO.:

RESPONSIBLE ATTY NAME:

SPECIAL INSTRUCTIONS:

13372

Michael S. Davidson

RETURN ORIGINAL TO:

EXTENSION:

LOCATION:

Denise

2970

IR

This document is intended for the exclusive use of the addressee. It may contain privileged, confidential, or non-disclosable information. If you are not the addressee, or someone responsible for delivering this document to the addressee, you may not read, copy, or distribute it. If you have received this document by mistake, please call us promptly and securely dispose of it. Thank you.

RECEIVED
CENTRAL FAX CENTER**OFFICIAL**

JAN 14 2004

Patent
Attorney Docket: 302,670-16
(prev 267/006)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Mark M. Wang et al.

Serial No.: 09/993,388

Filed: November 14, 2001

For: Apparatus for Collection of Sorted
Particles

Group Art Unit: 2881

Examiner: Phillip A. Johnston

EXPRESS ABANDONMENT UNDER 37 C.F.R. § 1.138Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Without conceding the propriety of the claim rejections contained in the Final Office Action mailed on November 10, 2003, Applicants, through the undersigned attorney of record, hereby request that the above-identified Application be expressly abandoned as of the filing date of this paper.

Applicants note for the record, for example, that the terms "Optophoretic" and "Optophoresis" are not equivalent to the terms "photophoretic" and "photophoresis",

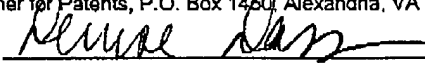
CERTIFICATE OF FAX TRANSMITTAL
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile to (703) 872-9306 on the date shown below addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date

1/14/04

Denise Doss



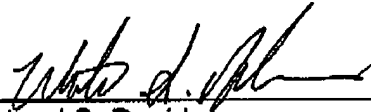
Patent
Attorney Docket: 302,670-16
(prev 267/006)

respectively. If there are any questions regarding the submission of this paper, please
contact the undersigned at (949) 737-2926.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 1/13/04

By: 
Michael S. Davidson
Reg. No. 43,577
Attorneys for Applicant

MSD/dnd

Customer No.

34263

PATENT TRADEMARK OFFICE

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

IR1:1050425.1